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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSE HERNANDEZ-GUTIERREZ, an
individual, and SANDRA RAMIREZ, an
individual,

Plaintiffs,

vs.

ELI BROWN, an individual, and AMERICAN
TECHNOLOGIES NETWORKS, INC., a
foreign Corporation, and HERTZ VEHICLES,
LLC., a foreign Corporation, and DOES I
through XX, inclusive and ROE BUSINESS
ENTITIES I through XX, inclusive,

Defendants.

Case No.: 2:17-cv-00697-RFB-PAL

**STIPULATION AND ORDER
REGARDING THE TOTAL VALUE OF
DAMAGES**

IT IS HERBY STIPULATED AND AGREED, by Plaintiffs and Defendants, by and through their undersigned counsel of record, that regardless of the total value of damages argued for or awarded to the Plaintiffs, the general damages in this action will not exceed the amount of seventy-five thousand dollars and zero cents (\$75,000) per Plaintiff, excluding attorney fees, statutory costs, pre-judgment and post-judgment interest, if any.

IT IS FURTHER STIPULATED AND AGREED, that Plaintiffs, through their counsel of record, retain the right to argue for an award of damages to the trier of fact, whether by jury, judge, arbitrator or mediator, in an amount that exceeds the amount of seventy-five thousand dollars and zero cents (\$75,000) per Plaintiff, despite the above-referenced cap of seventy-five thousand dollars and zero cents (\$75,000) per Plaintiff.

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1 **IT IS FURTHER STIPULATED AND AGREED**, that the content and subject matter
2 of this Stipulation will not be disclosed to the trier of fact, whether by jury, arbitrator or
3 mediator.

4 **IT IS FURTHER STIPULATED AND AGREED**, that discovery will not re-open,
5 including experts.

6 **IT IS FURTHER STIPULATED AND AGREED** that trial will not be scheduled until
7 July 2018, or sometime thereafter.

8 **IT IS FURTHER STIPULATED AND AGREED**, that the parties will schedule
9 Mediation with a mutable agreeable mediator in March or April 2018.

10 **IT IS FURTHER STIPULATED AND AGREED**, that the Plaintiffs' general damages
11 are capped at \$75,000, per Plaintiff regardless of jury verdict, if applicable (this provision does
12 not limit Plaintiffs' argument for damages at trial).

13 **IT IS FURTHER STIPULATED AND AGREED** that no additional medical opinions
14 regarding past or future medical damages than what is already in the records (meaning no
15 increase in past or present specials at trial).

16 **IT IS FURTHER STIPULATED AND AGREED**, that the parties will execute a
17 Stipulation containing the same provisions herein to be executed by the Eighth Judicial District
18 Judge who is assigned to this action.

19 DATED this ____ day of February, 2018.

19 DATED this ____ day of February, 2018.

20 LEWIS BRISBOIS BISGAARD & SMITH

20 LADAH LAW FIRM

21 /s/: *David B. Avakian*

21 /s/: *Ramzy P. Ladah*

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22 JOSH COLE AICKLEN, ESQ.
23 Nevada Bar 7254
23 DAVID B. AVAKIAN, ESQ.
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ORDER

IT IS SO ORDERED this 14th day of February, 2018.



RICHARD F. BOULWARE, II
United States District Court

IT IS FURTHER ORDERED that [27] Stipulation re: Damages is denied as moot.